

## **Chapter 5.04 GENERAL PROVISIONS**

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**5.04.010 Applicability.** Whenever in this code a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation, or solicits patronage therefore, actively or passively, or performs or attempts to perform any part of such business or occupation in the city. (Ord. 81-17 § I, 1980).

**5.04.020 License application procedure and requirements.** Applications for all licenses and permits required by ordinance shall be made in writing to the city clerk in the absence of provision to the contrary. Each application shall state the name of the applicant; the permit or license desired; the location to be used, if any; the time covered; and the fee to be paid. Each application shall contain such additional information as may be needed for the proper guidance of the city officials in the issuing of the permit or license for which applied. (Ord. 81-17 § 2, 1980).

**5.04.030 Preparation and filing of pertinent forms.** Forms for all licenses and permits, and applications therefore, shall be prepared and kept on file by the city clerk. (Ord. 81-17 § 3, 1980).

**5.04.040 Licenses or permits to bear certain signatures.** Each license or permit issued shall bear the signature of the mayor and city clerk when required. (Ord. 81-17 § 4, 1980).

**5.04.050 Fee payment and disposition.** In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application

therefore is made to the city clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business has been or will be conducted. Except as otherwise provided, all licenses shall become a part of the corporate fund. (Ord. 81-17 § 6, 1980).

**5.04.060 Business building and premises requirements.** No license shall be issued for the conduct of any business, and no permit shall be issued for any thing or act if the premises and building to be used for the purpose do not fully comply with the requirements of the city. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the zoning ordinance of the city. (Ord. 81-17 § 8, 1980).

**5.04.070 Frontage consent requirements and regulations.**

A. Whenever the consent of adjoining or neighboring owners is required as a prerequisite to the conduct of any business or occupation, or the location of any establishment, such consents must be obtained by securing the necessary signatures to a written consent petition. Such petitions shall be filed with the city clerk when signed.

B. Consents once given and filed shall not be withdrawn; and such petitions need not be renewed for the continuous conduct of the same business, whether by the same proprietor or not.

C. It is unlawful to forge any name to such a petition or to falsely represent that the names thereon have been properly placed thereon if such is not the fact.

D. Each consent when filed shall be accompanied by the affidavit of the person securing the signatures that each signature appearing therein was properly secured and written, and that the petition contains the necessary number of signatures required by ordinance.

E. The frontage consent requirements contained in this code shall not be construed to amend or change any zoning ordinance provision of the city, and no such provision shall be construed as permitting the erection of a structure or building, or the conduct of a business, or the commission of any act in any location where such structure, building, business or act is or are prohibited by any zoning ordinance of the city. (Ord. 81-17 § 10, 1980).

**5.04.080 Investigations and inspections upon receipt of application.** Upon the receipt of an application for a license or permit where ordinances of the city necessitate an inspection or investigation before the issuance of such permit or license, the city clerk shall refer such application to the proper officer for making such investigation within forty-eight hours of the time of such receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten days after receiving the application or a copy thereof. The zoning administrator shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations, except where otherwise provided, shall be made by the chief of police or by some other officer designated by the mayor. (Ord. 81-17 § 5, 1980).

**5.04.090 Inspections of licensed business premises.** A. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection, any officer or employee of the city who is authorized or directed to make such inspection at any reasonable time that admission is requested,

B. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee of the municipality whose business is governed by such provisions to give to any authorized officer or employee of the city requesting the same, sufficient samples of such material or commodity for such analysis upon request.

C. In addition to any other penalty which may be provided, the mayor may revoke the license of any licensed proprietor of any licensed business in the city who refuses to permit any such officer or employee who is authorized to make such inspection or take such sample to make the inspection, or take an adequate sample of the said commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection; provided, that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the city, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample. (Ord.

81-17 § 13, 1980).

**5.04.100 licenses to be posted.** It shall be the duty of any person conducting a licensed business in the city to keep his license posted in a prominent place on the premises used for such business at all times. (Ord. 81-17 § 15, 1980).

**5.04.110 Termination date of annual licenses.** All annual licenses shall terminate on the last day of the fiscal year of the city where they are issued, where no provision to the contrary is made. (Ord. 81-17 § 7, 1980).

**5.04.120 Notice and compliance requirements for change of location.** In the absence of any provision to the contrary, the location of any licensed business or occupation or of any permitted act may be changed, provided ten days' notice thereof is given to the city clerk, and, provided that the building, zoning and frontage consent requirements of the ordinances are complied with. (Ord. 81-17 § 9, 1980).

**5.04.130 Nuisances prohibited.** No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact. (Ord. 81-17 § 11, 1980).

**5.04.140 Violation of zoning ordinance prohibited.** No license shall be deemed to permit the operation of any business contrary to the provisions of the zoning ordinance. (Ord. 81-17 § 12, 1980).

**5.04.150 License or permit may be revoked for violation.**

Any license or permit for a limited time may be revoked by the mayor at any time during the life of such license or permit for any violation by the licensee or permittee of the ordinance provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied. Such revocation may be in addition to any fine imposed. (Ord. 8 1-17 § 14, 1980).